

04-26-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 14366US02

In the Application of:

Ronald L. Mahany and  
Stephen J. Kelly

**U.S. Serial No.:** 10/646,318

**Filed:** August 22, 2003

**For:** HAND-HELD DATA CAPTURE  
SYSTEM WITH  
INTERCHANGEABLE MODULES

**Examiner:** Tremblay, Mark Stephen

**Group Art Unit:** 2876

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 25, 2005.

By: Ronald Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245

**Express Mail Label No.** EV 218986964 US

**PETITION UNDER 37 CFR § 1.48(a)**

The applicants respectfully petition the Director, under 37 CFR § 1.48(a), to correct the inventive entity for the present application.

As mentioned in more detail in Applicants' concurrent Petition Under 37 CFR §1.47(a), Broadcom Corporation acquired all rights in the present application from Intermec Technologies. All relevant assignment documents transferring rights from the named inventors to Broadcom are attached as Exhibit A.

In connection with the filing and prosecution of this case, Broadcom attempted to contact numerous Intermec employees to confirm the proper inventive entity for the claimed invention. On October 20, 2004, Applicants submitted its response to the Notice of Informal Application, which included a Supplemental Oath executed by two joint inventors – Ronald Mahany and Stephen Kelly. A copy of this oath is attached as Exhibit B.

Broadcom's diligence, however, has uncovered that a third inventor, Keith Cargin, should be named as an inventor in the present application. However, as described in further detail in Applicants' concurrent motion, Mr. Cargin has refused to sign an oath. Accordingly, Applicants were forced to petition to proceed without Mr. Cargin's involvement. In the event that the Patent Office grants Applicants' petition under 37 CFR

1.47(a), Applicants respectfully request that the Office accept the Second Supplemental Combined Declaration and Power of Attorney, attached as Exhibit C, which has been executed on behalf of Mr. Cargin by the joint inventors.

Applicants state that the omission of Keith Cargin in the original application and the Supplemental Declaration occurred without deceptive intent, and was caused only because Applicants' counsel could not contact Mr. Cargin.

The fee for this petition is understood to be \$130.00. 37 CFR § 1.17(i). Please charge this fee, and any additional fee presently required, to Deposit Account 13-0017.

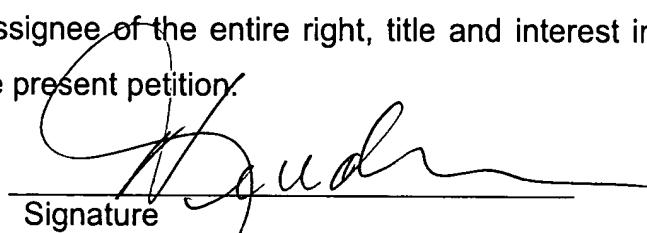
Respectfully submitted,  
McAndrews, Held & Malloy, Ltd.

Dated: April 25, 2005

By: Ronald Spuhler  
Ronald H. Spuhler  
Reg. No. 52,245  
McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661  
312/775-8000  
Attorney for applicant(s)

**ASSIGNEE STATEMENT UNDER 37 C.F.R. § 3.73(b)**

We hereby state that we are the assignee of the entire right, title and interest in the present application and consent to the present petition:

  
Signature

Dee Henderson  
(type or print name of person  
authorized to sign on behalf of  
assignee)

Senior Manager, Intellectual Property  
Title  
Administration

April 19, 2005  
Date